

APPROVED: Meeting No. 30-80

ATTEST: *William E. Hanna, Jr.*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 27-80

June 30, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chambers, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 30, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; Assistant City Manager Daniel Hobbs; Director of Recreation and Parks Ronald Olson; Assistant City Attorney Paul Glasgow; Chief of Police Jared Stout; Director of Planning James M. Davis; Director of Community Development and Housing Assistance Douglas Horne; Budget and Research Officer Anna Lee Berman; Public Information Officer Sue M. Patterson; Director of Public Works Robert Goodin.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. Mr. Hobbs said he would like to congratulate Councilman Freeland on his election as President of the Maryland Municipal League and also Councilman Tyner for becoming a member of the Board of Directors. Mayor Hanna said he is proud.

2. On June 25, 1980, the City awarded the sale of \$3,510,000 in General Improvement (special assessment) Bonds to the Northern Trust Company and Associates at an average net interest rate of 7.118122 percent. The Bond Buyer 20-Bond Index of average municipal bond yields for the week preceding the City's sale was 7.55 percent. The index for the week of sale was 7.76 percent. The day before City's bonds were sold the market was overburdened with over \$1 billion of the new state and local securities. This caused a large backlog of unsold issues. On Wednesday, the day of the City sale, nearly half of the previous day's issues were unsold. This caused an increase in interest rates of between 30 and 50 basis points. Still, in view of the Bond Buyer Index, the City was successful and the securities were well accepted by the investment community.

Re: Appointment

Mayor Hanna, with the confirmation of the Council, appointed Nicholas Stoer to a one-year term as Chairman of the Traffic and Transportation Commission.

Re: Bid No. 51-80, Site Construction
for James Monroe, Horizon Hill,
North Farm, Potomac Woods and
Rockmead Parks

Bids were opened in the Council Chambers at City Hall on June 17, 1980, at 3:00 p.m. for site construction of "5 Parks" in accordance with the Mayor and Council approved plans for all projects. The bids were as follows:

<u>Company</u>	<u>Total Price</u>
T. J. Company, Inc., Silver Spring, Maryland	\$304,561.00
Deneau Construction, Inc., Gaithersburg, Maryland	313,870.00
White Oak Construction, Inc., Silver Spring, Maryland	338,790.00
Moore Golf, Inc., Culpepper, Virginia	383,437.00
Brigham and Day Paving Co., Inc., Rockville, Maryland	390,600.00

The bid was to contract for site construction for "5 Parks"; James Monroe, Horizon Hill, North Farm, Potomac Woods and Rockmead. The work generally includes excavating, grading, seeding, mulching, pathways, play equipment, fitness trails, benches, basketball courts, and other improvements. Please note that NO LANDSCAPING is included under this bid as landscaping will go out under a separate bid during late summer.

The approved City and State Program Open Space funding budgeted in the FY80 CIP is \$353,300, except for Rockmead Park. It should be noted that the low bid amounts for each of the five separate parks are below the level of funding budgeted in the FY80 CIP for each individual project.

Rockmead Park development is funded in the FY81 CIP and is awaiting final State POS funding approval. In an effort to receive good construction prices, Rockmead was bid with the other four parks with the stipulation in the bid documents that the city could reject the Rockmead project at its option. An amount of \$36,710 was bid for the Rockmead Park site development by the low bidder, T. J. Company. They have agreed in writing to hold the bid price and construction start until September 1, 1980, since we anticipate receiving State POS grant approval by August. It should be noted that the Rockmead Park project and other Phase II construction grants have been recommended for approval to the State Board of Public Works by the Program Open Space office as of June 19, 1980.

Staff recommends that Bid No. 51-80 be awarded to T. J. Company, Inc., the low bidder, in the amount of \$304,561.00 to construct the five described park projects, with the exception of Rockmead Park which will only be constructed if the POS grant that is pending is approved.

Councilman Tyner said he feels Rockmead Park should only be done if the Open Space grant is provided. Councilwoman Fordham said she thought the other parks were under the Open Space Program also. Mr. Olson said yes, under Phase II, but this is a Phase I bid. Councilwoman Fordham also asked for the breakout figure if the Rockmead Park grant does not come through. Mr. Olson said it would be \$36,710.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 51-80, for Site Construction for James Monroe, Horizon Hill, North Farm, Potomac Woods and Rockmead, was awarded to the low bidder, T. J. Company, Inc., Silver Spring, Maryland, in the amount of \$304,561.00, with the exception of Rockmead Park which will only be constructed if the POS grant that is pending is approved.

Re: Correspondence

1. Letter from Montgomery Co. Historical Society re Antique Show in April, 1981.

Re: FYI

1. Memo re timetable for implementation of Permit Parking District

Councilman Tyner said that some of the old sign standards have been taken down but the posts have been left up. Mr. Hobbs said he will check it out. Mr. Hobbs also noted that more permit signs are on order. Councilman Tyner said that people have come up to him that live in the area and say that this is the first time in a long time that they have been able to park in front of their house after 8:30 a.m.

2. Memo re recommended additional community relations activities for Lincoln Park

Councilman Freeland said he is curious if any consideration for a work crew could be worked out regarding the program for additional street cleaning services. Mr. Hobbs said he is not sure if there is enough work in this project because there is a problem with the crew getting around and not enough trucks.

Councilman Freeland said if a Community Newsletter was put out in Lincoln Park, he would like to see the flow of communication come directly from the Community. Mr. Hobbs said the newspaper would be a one page sheet that would be put out every seven or 10 days which would cover general information in the community such as regular happenings, metro, street closing, items of interest to the community. Councilman Freeland said people resent information if it doesn't fit their interest. He suggested that a representative of the community help with the publishing of the newsletter. Mr. Hobbs said that members of the Lincoln Park Community will put the newsletter out.

Mayor Hanna said he is pleased to see special efforts taken to assist the relationship between the city and the Lincoln Park Community.

3. Letter from DOT re traffic signal system along MD Route 355
4. Letter thanking D. Vandrey for speech on energy conservation

Mayor Hanna noted this item.

5. Flyer from CTIP re City of Rockville's use of high pressure sodium lights
- Mayor Hanna noted this item.

6. Memo re closure of Westmore Road at-grade railroad crossing.

Re: Citizen's Forum

The Mayor opened the meeting to all those citizens who wished to address the Mayor and Council.

1. Frances Manderscheid, Chairman of the CIAC. Mrs. Manderscheid said the CIAC is concerned about litter control in the City and at their last meeting in April, a guest speaker presented to the Commission some possible litter control measures. One recommendation given was to implement a litter control program to children through area schools. There is such a program now in Prince Georges County. Mrs. Manderscheid said the Commission did check with Montgomery County to see if they had such a program and found that they do not. Mrs. Manderscheid asked the Mayor and Council if they would send a letter to the Board of Education asking for such a program. The second measure presented was on the use of litter bags. Mrs. Manderscheid informed the Council that if \$500 was taken out of the Beautification Fund, the City could purchase 5,000 litter bags. Mrs. Manderscheid suggested that these bags could be distributed at City Hall, public libraries, in the Welcome to Rockville packet, and at presentations to school children. The CIAC, through its research, has found that bags could be delivered to the City in six weeks. Councilwoman Fordham said it sounds like a fine idea and asked how much this project would cost all in all. Mrs. Manderscheid said that there is \$500 of unused money that the Commission would like to contribute because it is such a worthwhile cause. Councilwoman Fordham said if the program was successful, she would not mind adding more money. She also said she supports the idea about sending a letter to the schools. Mayor Hanna said he would be happy to address such a letter.

Mrs. Fordham asked the Chairwoman about the Commission's actions on store signage and told Mrs. Manderscheid she would give her a name of a business leader who might help get movement started toward this goal.

2. Bernie Gaunt, 308 Lincoln Avenue. Mr. Gaunt said he would like to thank Mr. Olson and Mr. Hayes for having put two "Pitch Me In" cans, one in the recreation area and the other on the outside lot where litter collects. Mr. Gaunt said he cuts the grass there and is always having to stop to pick up the litter.

Mr. Gaunt also said there are two dead trees still standing that need to come down in the recreation area.

3. Barbara Lingenfelter, 10 Owens Court. Mrs. Lingenfelter told the Mayor and Council that she is the newly elected president of the West End Citizen's Assoc. She said she is here tonight because she has heard rumors about bringing up again, the item of the Nelson Street Delly beer and wine license application and is here to reiterate the position of the West End Citizen's Assoc. She then proceeded to read a letter that Michael Gordon wrote last year to Al Crandall in which it was stated that the West End Citizen's Assoc. is strongly opposed to the issuance of a beer and wine license to the Nelson Street Delly because of its close proximity to a park and play field, the availability of beer and wine for consumption by teenagers, and the constant problem with litter. Mayor Hanna said her point was very clear.

4. Ken Sullivan, 1988 Lancashire Drive. Mr. Sullivan said he would first like to congratulate the Mayor and Council on tonight's agenda item number 3 for park construction in the City. He said he does see a number of infractions of the city's ordinances and regulations in the Orchard Ridge development, for example, too little gravel over the drain pipes. The second point he would like to bring before the Council is the number of dead trees bordering the Potomac Woods subdivision. He feels it is the contractor's fault because the contractor filled a little more over the trees than he was supposed to. Mr. Sullivan also asked for an adequate buffering between old and new subdivisions. Mr. Sullivan said that Phase I development for Potomac Woods park was approved tonight and he hopes that Phase II will also be passed because this park has not been funded in eight years. Mr. Sullivan's last point was that he hopes there is a tax cut this year due to the hard times.

5. Miles Goldstein, 660 Goldsborough Drive. Mr. Goldstein said the Nelson Street Delly owners seem willing to stop selling beer and wine at 8 p.m. He thinks this is fine. He likes having the delly in the community and would hate to see it go.

Re: Adoption of Resolution: To Deny
Text Amendment Application, T-36-80,
Long Island Restaurant Corporation,
Applicant.

Resolution No. 16-80

On motion of Councilman Tyner, duly seconded and unanimously passed,
Resolution No. 16-80, the full text of which can be found in Resolution Book No.

7 of the Mayor and Council of Rockville, denying text amendment application, T-36-80, was adopted by the Mayor and Council.

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to return the filing fee of \$250 to the applicant.

Re: Recommended Consultant selection for
surveying services -- North Washing-
ton Street -- Project 060212

The North Washington Street design, rights-of-way acquisition and reconstruction project will involve extremely close coordination with the adjacent affected owners. In addition, due to City efforts to underground the existing overhead utility lines, it will be necessary to maintain close liaison between the City and the utility companies.

For these reasons it was decided the design work should be accomplished by City staff. However, project work load will not allow undertaking the extensive property and topographical surveys and therefore it was decided to utilize the services of a surveying consultant.

The first step in consultant selection is to prepare a very detailed set of technical specifications. We then decided on a consultant selection process, which included establishment of selection criteria. Following review of the material by the City Manager, a selection committee was appointed. The committee included members from the Recreation and Parks, Planning and Public Works Departments. The project was advertised locally and, in addition, we invited expressions of interest from each of the firms on our mailing list. A package of information which included the technical specifications and an outline of the selection method and criteria was furnished each requesting firm.

Twelve firms expressed an interest in furnishing the services. The selection committee met, reviewed the applications and, based on the previously established criteria, selected eight of the firms, which were then invited to submit priced proposals. Prior to their proposal submission, an open, joint information and discussion meeting was held at which each firm was given the opportunity to comment and question the specifications and selection process. Final specifications were furnished and the consultants were advised of the final date for submission of their priced proposals. Following submission by the consultants the selection committee was once again convened to review their proposals. It had previously been indicated to the firms that, all other factors being approximately equal, the contract would be awarded based on the lowest price.

The names of the various firms which submitted proposals, along with their prices are listed:

Kidde Consultants	\$14,500.00
PRC Toups	18,550.00
Oyster, Imus & Petzold, Inc.	19,700.00
Hayes, Seay, Mattern and Mattern	19,800.00
Greenhorne & O'Mara, Inc.	22,755.00
Hanson & Den Outer, Ltd.	23,100.00
Dewberry, Nealon & Davis	29,400.00
John J. Allen Associates	30,010.00
City Engineers Estimate	\$25,402.00

As a result of the screening process described above, each firm submitting a proposal was pre-qualified by the committee. The committee review indicated there were no irregularities or other reasons to award to other than the low bidder. The low bid is very reasonably priced. Therefore, the selection committee recommendation is that the contract be awarded to the low bidder, Kidde Consultants, Inc., in the amount of \$14,500.00

Councilman Tyner asked if there was much of a difference in the way consultants arrive at bid figures because of the wide difference in the amounts submitted. Mr. Goodin explained that it is just the peculiarities of the bidding process.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Council awarded the contract for a consultant for surveying of Project 060212 to the low bidder, Kidde Consultants, Inc., in the amount of their bid of \$14,500.00.

Re: Proposed fee schedule for filing of
zoning and planning ordinance text
amendments

Since the Mayor and Council have raised the question of some type of refund policy relating to zoning text amendments, it would be appropriate to highlight the staff's fee recommendations and the rationale used to arrive at that position.

1. The staff recommends raising the planning and zoning application fee schedule. This would generate approximately \$4,800 in additional revenue.
2. It has been the policy of the Mayor and Council not to refund application fees.

3. With the exception of zoning text amendmetns, the staff would recommend continuing this policy.
 - a. Zoning text amendments involve a two step process. After filing the staff spend minimal amount of time preparing for preliminary review by the Mayor and Council. If the application for the text amendment is rejected, current policy would be to not refund any part of the fee. The staff recommends in these situations only, permitting a 50% refund of fee upon rejection of a preliminary application.

Staff believes this to be an equitable and appropriate course to follow. The recommended higher fees are generally consistent with County charges and also reflect the amount of staff work involved in processing these applications.

Councilman Freeland instructed the staff to prepare a resolution to raise the zoning and planning application fees and to implement a two tier fee schedule as recommended by staff. Councilman Freeland explained the two tier fee schedule would involve refunding 50% of the application fee if the text amendment is rejected during the preliminary review. Mayor Hanna felt this was fair. Councilman Tyner asked if the applicant is entitled to the full 50% or up to 50%. Councilman Freeland moved, duly seconded, to refund up to 50% of the application fee if an application is rejected during preliminary review, rather than refund the total 50%. Councilman Tyner asked if the proposed fee schedule is in line with Montgomery County's. Mr. Davis said yes it is in line with Montgomery County and Park and Planning. Councilwoman Fordham said she is going to vote against the motion because she still feels that little work is done by staff during preliminary review and thinks 50% of \$400 or \$500 is not reasonable with only two hours of work invovled. The Council discussed this further.

Councilman Freeland said he would split his motion in two. The first motion would be to take the necessary steps to raise the fee. The second motion would be to deal with the 50% refund if an application is denied during preliminary review. Councilman Tyner seconded both motions.

Councilman Freeland said he did not think it is fair for someone to go through the mechanics to find out if the Mayor and Council entertain the proposition. He feels it is necessary for the Mayor and Council to give an opinion so that the applicant knows if his application is worth pursuing. Councilman Freeland also said he agrees with the Mayor in that everyone's time is invovled. Councilwoman Fordham said she agrees that people need to know the opinion of the Mayor and Council but staff has indicated that not much work is done with preliminary reviews.

Councilman Freeland said that the Mayor and Council cannot give an applicant a yes or no answer, only favorable or not. Councilwoman Fordham said there seems to be a difference of opinion regarding the amount of staff time involved.

Mr. Davis said that not only is staff time involved, but also the time of the Mayor and Council and the City Clerk's office. Mrs. Fordham asked how long. Mr. Davis said full staff time is no more than two hours. Mayor Hanna said even five minutes of Mayor and Council's time would be appropriate to charge a fee.

On motion of Councilman Freeland, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to support an increase in fees along the lines suggested by staff.

On motion of Councilman Freeland, duly seconded and passed, staff was instructed to return up to 50% of an application fee if denied during preliminary review stages, Mayor Hanna and Councilmembers Freeland, Tyner and Abrams voting aye, and Councilwoman Fordham voting nay.

Re: Purchase of property - Dover Road
and North Horners Lane projects

An "Offer of Sale of Land" contract in the amount of \$55,000 for the purchase of property from Mr. and Mrs. Louis A. Cotler has been drawn up. The property consists of rights-of-way in fee simple totaling 10,860 square feet, storm drain easements totaling 17,443 square feet, and also temporary construction and slope easements. The property being purchased from the Cotlers is the final property needed for the extension of Dover Road from North Horners Lane to Gude Drive. In addition, the contract also provides for the acquisition of land needed for the North Horners Lane storm drainage project to be funded through CDBG.

The needed property was the subject of an independent professional real estate appraisal by Mr. Charles C. Derry, SRA and the contract has been reviewed by the office of the City Attorney as to form and legality.

The proposed purchase price is believed to be fair to both the City and the property owners and it is recommended that the contract be approved by the Mayor and Council.

On motion of Councilman Abrams, duly seconded and unanimously passed, staff was instructed to accept the "Offer of sale of land" contract in the amount of \$55,000 for the purchase of property from Mr. & Mrs. Louis Cotler.

Re: Proposed testimony (in letter form)
from City to Montgomery County Board
of License Commissioners.

Councilwoman Fordham said this letter is basically the same testimony that was given last year and there is still an objection to sale of beer and wine because of the proximity to the recreation center. She also commented that the applicant has suggested closing at a certain time which would make it harder for teenagers to obtain beer and wine, but the problem would still exist particularly in the summer.

Councilwoman Fordham also mentioned that the Commission has contacted her asking for staff presentation, either by the police or a councilmember. She said she will not be able to attend the meeting and asked that the Mayor designate someone to attend.

Mayor Hanna said that the owner of the dellydid present a petition to the Mayor and Council. The petition was signed by people who had no objection to the license; but after careful examination, it was found that the people who signed the petition did not live in the area or were minors. After hearing the testimony tonight from the West End Citizens' Association and Woodley Garden residents, the Mayor and Council's position has not changed regarding the issuance of the license. The Mayor said he felt the letter was okay to send.

Councilman Abrams said he supports the concept of the letter and the position the Council is taking, but he cannot go along with the draft letter because the material in the letter is speculative. Mayor Hanna said if anything, information should be added to the letter, not taken away because all the information is pertinent. Mayor Hanna asked Councilman Abrams if there was any specific point he is opposed to. Councilman Abrams said he is opposed to the fourth paragraph. He said he could go along with the opinion of the neighbors but believes we are hitting from the wrong standpoint and that he doesn't quite see the problem. Mayor Hanna explained that there has been a long history of problems with alcohol in the parks and that is why the policy was adopted. Councilman Tyner pointed out that the Council is in no way focusing against the applicant, but the location. Councilwoman Fordham said even if the community felt differently about the application, she would still feel the same because it is a mistake to have beer and wine in this area. Councilman Freeland suggested that the Council stick to its general policy. He does not favor having a beer and wine license issued to a neighborhood of this kind.

Councilman Tyner said the position of the Mayor and Council has been against off-sale. Mayor Hanna said to go forward with the motion to approve the text of the letter. Mr. Blick said the letter does not refer to off or on-sale and asked if the Mayor and Council would want it in the letter. Mayor Hanna said the Council is opposed to wine and beer leaving the store. Mr. Blick said that that should be made clear. Councilwoman Fordham said that Mr. Pollinger is in the audience and he has heard tonight's comments. Mayor Hanna said to make it clear in the letter.

On motion of Councilman Freeland, duly seconded and unanimously passed, staff was instructed to finalize the draft letter from the City to Montgomery County Board of License Commissioners with the addition of an extra paragraph.

Re: Adoption of Ordinance: To
Appropriate funds and levy taxes -
Fiscal Year 1981

Ordinance No. 22-80

Councilman Abrams moved, duly seconded, to adopt the ordinance to include the amendments already indicated as a result of the work sessions and now incorporate them in the text. Councilman Tyner asked if everything on the wish list is on the proposed adopted ordinance. Mayor Hanna said yes.

Councilman Freeland stated that it is a good, tight budget and because of the forecast of tough economical times, we must be prudent. The only problem he sees is the City Hall addition because this also has a bearing on our short-term and long-term financial position and although he wishes there was an inexpensive way to solving our space problem he has not been shown a way as of yet. He believes the alternative right now is to look at the seriousness of the City Hall requirements and he is willing to reconsider that item in the C.I.P. with the understanding that the Council would make an effort to fund at least half of the items on the wish list, which amounts to \$130,000, from other than the pay-as-you-go capital contribution. Councilman Freeland also stated that in order not to raise the tax rate, he feels it is essential for the Council to support and take action to move part of the funds from the Operating Budget to our revenue sharing contribution to our pay-as-you-go program. He would like to do one thing and that is reduce the item in our budget consisting of the Town Center Implementation Plan by exactly one half and budget that one half against the pedestrian overpass so that \$433,000 is paid for in our C.I.P. As far as the budget is concerned we would move part of the money out of the Town Center Implementation Plan into that category so that we are paying at least one half out of this year's operating budget for this particular facility. Mayor Hanna said he would like to handle the City Hall item separately and talk in terms of readjustment of funding. He said if he understands Councilman Freeland's motion, he is moving that instead of bonding the entire amount of the pedestrian overpass, we will now bond only half of it and restore pay-as-you-go funds with the other half. Then to make up the money, it will be necessary to permit that pay-as-you-go increases. We will reduce the Town Center Implementation Plan by approximately half. Councilman Freeland said

that in regards to the Town Center Implementation Plan, he feels that the deduction in that particular budget is justified and is not a lack of conviction on the part of the Mayor and Council. When the City Manager prepared the budget he was still talking in terms of an entrepreneur and staffing of the program. However, he now feels the City does not have a necessity for an entrepreneur as such, so the money from that particular budget can be released and instead of hiring people to do it, the City can do it itself with the support of staff, though a technical assistant may have to be purchased along the way. Councilman Abrams seconded the motion.

After further discussion of this motion, the Mayor and Council voted unanimously to approve the fund shift.

Councilman Freeland said that the approved fund shift will leave the City with a .95¢ tax rate which will cover all items that appear in the original budget; therefore, he has no further recommendation for the General Fund.

Mayor Hanna asked the City Manager if this was the appropriate place for a motion for reconsideration in regard to the deletion of the City Hall addition. Mayor Hanna said that we had just passed an earlier motion incorporating the changes that took place in the work session. Mr. Blick said the appropriation ordinance would have to be amended. On page 2, the General Obligation Bond Fund would have to be increased in the amount of \$7,498,450 and increased by \$1.3 million. After discussion of proper procedures for a motion to amend, Councilman Freeland moved, duly seconded, for reconsideration of earlier action to restore the City Hall project without changing the original figure. Councilwoman Fordham asked if the motion was only for adding an additional \$1 million to the C.I.P., not the entire project. Mayor Hanna said we are talking about the motion which was to delete the project with funding as originally proposed. Councilman Abrams said his understanding of the motion to reconsider is that if the motion was passed to reconsider, it would restore it to the position it was in at the time the motion was introduced at the original place. That means \$1.7 million in the previous C.I.P. and any other considerations would have to be amended. Mayor Hanna said that was correct and stated that he supports the motion for reconsideration. Councilman Freeland said that one point of the many points that have been raised by the Council is the importance of the the Town Center Implementation. The City has an interesting plan but as long as it is on paper it is no good. A new City Hall will serve a number of purposes; it will provide us with the necessary space needed to conduct city business; it will save us money

by consolidating our personnel; and it will also show there is a sign of a new Town Center taking shape. Councilwoman Fordham said that of all the things that Councilman Freeland has said she would be most surprised if City Hall would do something to get the developing process started. It has long been known that City Hall impedes the progress of development and does not do anything to help. The only reason this City Hall works better than any other is because it is smaller than any other. If City Hall gets any bigger it will be harder to get through our process. Her second point is in regard to the attractiveness of City Hall. She said she has never seen anything so atrocious as the proposed project which is now at a cost of \$3 million. Her third point was that the only office in rental space now is Community Development and the Police Department, and the building the Police Department is in will soon be coming down much faster than City Hall is going to be built. Councilwoman Fordham went onto explain how convenient the location is for the recreation and parks' department at the Civic Center and how it saves people from coming into the City to sign up for sports events. The City has also purchased property next to City Hall which could be used to house more of our staff. Councilwoman Fordham further stated that, the City will own so much of the downtown area that developers could not come here to build if they wanted to. Councilman Tyner said he would like to state for the record that he still stands on his previous reasons regarding the City Hall addition.

There being no further discussion on Councilman Freeland's motion, the motion passed, Mayor Hanna and Councilmembers Freeland and Abrams voting aye and Councilmembers Fordham and Tyner voting nay.

Mayor Hanna said that the floor was opened for any additional motions and he believes that an additional motion is called for in order to properly fund City Hall. Councilman Freeland moved, duly seconded, to add \$1.3 million to the existing \$1.7 million already budgeted for the City Hall addition, making it a total of \$3 million budgeted for the City Hall addition. Councilman Abrams said his understanding of the process, the last time bids came in for the addition, was that the bids were higher than budgeted and he doesn't think the prices have gotten cheaper. The City is going to need space to house existing staff to better serve Rockville in the next decade and the price is not going to get any cheaper if it is prolonged. Councilman Abrams further explained his feelings concerning public and private sectors and how they are viewed differently. He believes productivity of employees has a lot to do with facilities. He doesn't see it as a rapid expansion of the staff but sees it as fitting in the concept of the

Rockville Town Center. City Hall has no other market other than as City Hall and therefore, he feels the Council should go for a new unit. Councilwoman Fordham said first of all, she does not feel the employees are inadequately housed. Employees who work for private sectors do not have it better because private sectors watch their pennies. Secondly, she asked what would happen if the \$1.3 million is taken out. Mr. Blick said that the million dollars which was included in the budget in the spring is put in the capital budget. The capital budget is financed by some of "pay-as-you-go". Any additional level of capital construction has to be supported with bonds which will be issued at the time the projects are completed. Since it was anticipated that bonds would be issued by the Council taking the previous action to reduce that million dollars, it did not affect in any way any dollars in which we had to pay. Councilwoman Fordham asked if the inclusion of the \$3 million has anything to do with this year's budget. Mr. Blick said the \$1.7 million previously authorized did not take any legal action which eliminated that previous 1980 authorization. It was not money the Council approved, but approval of authorization to build a building and upon completion of the building, bonds would be issued. The Council discussed this at length.

Councilman Freeland said "pay-as-you-go" is essential and he does not want to see the City's debt increase. He said that the City had a choice of either bonding at a low interest rate and buying a building which would meet the City's needs for the next 15 or 20 years and paying it off over that period of time at a fixed rate so that we would know how much that will be bonded into our budget. Or, we have to start right now looking at how much additional money is needed to put into our budget that we pay as we go in the form of rental. He feels the City is better off building than leasing.

Councilwoman Fordham said that the employees who are housed in the County Federal building have been there a long time and the same with the people in the mansion. The only people who have to move is the police department and graphics. Mayor Hanna added that Youth Services has a month-to-month lease. Councilwoman Fordham said she suggests that we could reduce the amount of the budget by deducting .02 cents and taking it out of "pay-as-you-go", at the same time delete the City Hall addition. She said she knows that these are two separate issues, but she feels it is rational. Mayor Hanna said we are not talking about pay-as-you-go funding for City Hall, but for bonding. This project could not be eliminated because it is for bonding of a future project.

The money isn't even going to be borrowed for years. There is no effect on this year's budget. Council discussed this at length.

Mayor Hanna said he would like to make it clear that whether this project is approved or not, will not have any effect on this year's tax rate.

Mayor Hanna said he would like to restate his position for voting for a City Hall addition because it will: increase managerial efficiency and productivity for City employees; provide adequate living space for employees; eliminate increased leasing costs for spread-about city forces; and will provide citizens with improved one-stop shopping and improved service availability.

Councilman Freeland's motion, duly seconded, to increase funding for the City Hall addition was approved, Mayor Hanna and Councilmembers Freeland and Abrams voting aye and Councilmembers Fordham and Tyner voting nay.

Mr. Blick informed the Council of the changes in the ordinance due to tonight's amendments. Therefore, on page 2 of the ordinance, Section II under Capital Project Appropriations, the General Obligation Bond Fund now becomes \$8,719,540 and the total for this section is now \$12,668,550.

Councilman Freeland moved, duly seconded and passed, to change the figures in the ordinance that the City Manager submitted, Mayor Hanna and Councilmembers Freeland, Tyner and Abrams voting aye and Councilwoman Fordham voting nay.

Mayor Hanna said that we are now back to the main motion which is to approve the overall ordinance, as amended, to incorporate various amendments that have been passed. Councilwoman Fordham said she would like to state for the record that she is opposed to bonding for the City Hall addition.

Hearing no further comment, Mayor Hanna asked each member of the Council to state their vote, Mayor Hanna and Councilmembers Freeland, Tyner, and Abrams voting aye and Councilwoman Fordham voting nay. The motion passed and the ordinance was adopted, including the changes.

Councilwoman Fordham moved to approve the appropriations ordinance with the exception of approving the City Hall addition. Mayor Hanna said Mrs. Fordham's motion was out of order because it would destroy the previous motion just approved and passed. Councilwoman Fordham said she sees no precedence. Mayor Hanna asked the City Attorney's opinion. Mr. Glasgow asked if there was a second to the motion. Mayor Hanna explained that Mrs. Fordham's motion was just the opposite of what was previously moved and adopted by the Council; therefore, the motion is out of order. Mr. Glasgow agreed with Mayor Hanna. Mayor Hanna said the Chair has ruled the motion out of order unless the City

Attorney advises otherwise. He asked if anyone wants to challenge the Chair and if so, then the Council would vote to uphold the Chair's ruling. Councilwoman Fordham said she would go along with the City Attorney's advice.

Councilman Tyner said he agrees with the philosophy of Councilwoman Fordham's attempted motion. He also hopes that staff will think about a couple of items now that the City Hall addition has been approved and funded. The first item would be to think about the wrap around interior design. He said this is probably the best the architect can do but he still is concerned about the health of the employees. Secondly, there was never any discussion as to how one is going to keep the employees working while construction is going on for 10 months because there will be a lot of noise, distraction and discomfort for employees. And thirdly, he hopes that staff can do something to change the exterior of the proposed building. He said if these three items are ignored, then you negate all the advantages the citizens might have for one-stop shopping by having disruption for the nine or ten months of construction, because it impairs the efficiency of employees during that time. Also, the interior design will stay the same which will only compound our problems. Mayor Hanna said no one is completely pleased with the design but the line has to be drawn somewhere. Mayor Hanna said he would like to get on with the project and complete it as quickly as possible.

Councilwoman Fordham said there is no way the City is going to get a better design on the building. The architect has done everything in his power to change it, but it is an ugly, unimaginative design. She suggested that the Council appropriate funds to get a new design because the present one is unacceptable. Mayor Hanna said the most important thing is to get on with it. Councilwoman Fordham said to get a new architect. Mayor Hanna said the Council has a project and a design that has been approved and sees no reason for a delay.

Councilman Freeland said he shares Councilman Tyner's remarks. He does have some concerns about putting a building around an existing building and also about the performance of the employees, but he said we are in need of moving ahead. Councilman Freeland asked what it would cost to house our existing staff in buildings around the City. The Council discussed this.

Mayor Hanna called all discussion on the topic because there has been no changes made since the last motion. He said there is a plan, design and authorization to go ahead.

Re: Adoption of Ordinance: To amend Section 7-2.11, of Chapter 7 of the "Laws of Rockville", entitled Water and Sewer Utilities, to increase the charge for water consumption.

Ordinance No. 23-80

On motion of Councilman Freeland, duly seconded, and unanimously passed, Ordinance No. 23-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, amending Section 7-2.11 to increase the charge for water consumption, was adopted by the Mayor and Council.

Re: Adoption of Resolution: To establish service charge rate for refuse removal

Resolution No. 17-80

Councilman Tyner asked if this included the mandatory newspaper collection. Mr. Blick said yes it does. Mayor Hanna asked if an appropriate letter would be going out. Mr. Blick said yes.

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 17-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, establishing a service charge rate for refuse removal, was adopted by the Mayor and Council.

Re: New Business

Councilwoman Fordham moved, duly seconded, to have staff approach Arthur Cotton Moore and ask him for his fee to design a new City Hall. She said if this does not work, have Mr. Moore work with the present architect to design a new City Hall and to get some sort of price range for doing City Hall. Mayor Hanna said he was not clear on how much money is being issued for the investigation because the City Manager has directions to let this project go out on contract. Councilwoman Fordham replied that she would like to hold off work until we get a price from Mr. Moore and that she would be glad to incorporate this into her motion.

Councilwoman Fordham's motion failed with Councilmembers Fordham and Tyner voting aye and Mayor Hanna and Councilmembers Freeland and Abrams voting nay.

Councilman Tyner moved duly seconded, to request the Director of Planning and the City Manager to approach Charles Hall and see if there is any possibility of modifying the facade of the building. He feels the present architect should get a chance to change the design. Councilman Freeland said that this was what he commented on before. He said he sees nothing unreasonable with talking to the architect, without delaying the program.

Councilman Tyner said he would be willing to put a dollar figure on the design only if it would help. Councilwoman Fordham said this is a good idea but we have already approached the architect and the design is still unimaginative. She said she would like to amend Councilman Tyner's motion to instruct the City Manager to approach Mr. Hall and Arthur Cotton Moore and see if they would be willing to work together on some change for the exterior of the building and if they are willing to establish a dollar figure. Councilman Freeland asked if Arthur Cotton Moore has looked at the plan. Councilwoman Fordham said the entire design was done before Arthur Cotton Moore was on board. Councilman Freeland asked the staff to check the records and see if Arthur Cotton Moore has looked at the present plans, and if not, have him look at them. Mr. Davis said that Mr. Moore does not critique other architect's work.

Councilman Abrams asked for point of information and asked if there was a second to the motion. Mayor Hanna said this is true and asked if there was a second to the amendment. Councilwoman Fordham repeated her amendment to Councilman Tyner's motion, instructing The Director of Planning and the City Manager to approach the two architects and ask them about the exterior of the building and also to get some idea of how much this will cost. She said she would like to have staff return to the Mayor and Council on the decision. Councilman Tyner seconded the amendment. Mayor Hanna said the architect has redesigned the design three times to satisfy the Council. Mayor Hanna said he is willing to vote for Councilman Tyner's motion and give Mr. Hall two weeks to reconsider, but he is not willing to have another three month's delay. He also said he is voting against Mrs. Fordham's amendment. Councilwoman Fordham said she thinks the Mayor may have misunderstood the purpose of her amendment. She explained that she is talking about redoing the facade, not the inside of the building. Councilwoman Fordham said she is not talking about a long period of time, but feels the architect should be given at least two months to do what ever minor changes are needed. Councilman Freeland said he feels the motion dealing with a time period of several weeks is not unreasonable.

Councilwoman Fordham's amendment to Councilman Tyner's motion, passed, with Councilmembers Fordham, Freeland, Tyner, and Abrams voting aye and Mayor Hanna voting nay.

Councilman Freeland moved for a substitute motion to press on with the existing building, Mayor Hanna seconded the motion. Mr. Abrams asked if a substitute motion was in order. Mayor Hanna asked if the substitute motion would destroy the amendment just approved. Mr. Glasgow said no.

Mayor Hanna said the main motion has not been voted on and called for a vote. The main motion failed, with Mayor Hanna and Councilman Freeland voting aye, and Councilmembers Fordham, Tyner, and Abrams voting nay.

Councilman Tyner moved to have Mr. Hall contacted to see if he has any new ideas about the present City hall design plans.

Councilwoman Fordham feels if we go back to the same architect, we will not get anything more ingenious than we got before. She asked to give Mr. Moore a try and let him look at the plans. Councilman Tyner said he does not want to do that. Mayor Hanna asked if Councilwoman Fordham would be willing to have a two-week review on this. She said to give it three weeks. Councilman Freeland said he supports Councilman Tyner's motion as originally stated. He feels there is a need to ask the original architect to give it his best shot. But, he said, he cannot support the motion.

Mayor Hanna said Mr. Tyner's motion is on the floor. The motion failed with Councilmembers Tyner and Fordham voting aye, and Mayor Hanna and Councilmembers Freeland and Abrams voting nay.

Councilman Tyner moved, duly seconded, to have the architect update the facade design plan and bring it back to the Council in two weeks. Councilman Abrams moved to amend the motion to have sufficient funds included for the architect. Mr. Blick said he is not sure if the present renderings are up to date with the present specs because when the footings were changed we did not have the specs changed. Councilwoman Fordham said she would second the amendment if the name of the second architect was changed. Mayor Hanna said the amendment died for lack of a second.

Councilman Tyner's motion passed, with Mayor Hanna and Councilmembers Fordham, Freeland, and Tyner voting aye, and Councilman Abrams voting nay.

Re: Approval of Minutes

On motion of Councilman Freeland, duly seconded and unanimously passed, Minutes of Meeting No. 17-80, May 19, 1980, were approved as amended.

On motion of Councilman Tyner, duly seconded and unanimously passed, Minutes of Meeting No. 18-80, May 27, 1980, were approved as written.

On motion of Councilman Tyner, duly seconded, and unanimously passed, Minutes of Meeting No. 19-80, May 29, 1980, were approved as amended.

On motion of Councilman Abrams, duly seconded and unanimously passed, Minutes of Meeting No. 20-80, May 31, 1980, were approved as written.

On motion of Councilman Tyner, duly seconded and unanimously passed, Minutes of Meeting No. 21-80, June 2, 1980, were approved as amended.

On motion of Councilman Tyner, duly seconded and unanimously passed, Minutes of Meeting No. 22-80, June 3, 1980, were approved as written.

Re: Executive Session

There being no further business to come before the Mayor and Council in general session, the meeting was closed for Executive Session, to discuss property negotiation.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 12:15 a.m. to convene again on Monday, July 14, 1980, at 8:00 p.m. or at the call of the Mayor.